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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/613,997 | 07/11/2000 | Peter Mahr | RCA 90,262 | 1754 |

7590 07/30/2003

Joseph S Tripoli
Patent Operations
Thomson Multimedia Licensing Inc
CN 5312
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EXAMINER

BATTAGLIA, MICHAEL V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2652 | 7 |

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/613,997 | MAHR, PETER |
| | Examiner | Art Unit |
| | Michael V Battaglia | 2652 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 1 and 3 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 July 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7 and 8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed for priority Application No. 99401755.6, filed on July 13, 1999.

Information Disclosure Statement

2. The examiner notes that the German Search Report was considered but crossed out so that it would not be printed on the patent.

Specification

3. The disclosure is objected to because of the following informalities:
 - a. On page 3 of the specification, line 13, the applicant states, "to be recorded or recorded." The examiner suggests replacing with -to be read or recorded-.
 - b. On page 5 of the specification, line 36, the applicant states, "output or constant value." The examiner suggests replacing with -output a constant value-.
Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities:
 - a.) On page 1 of the amended claims, line 21, the applicant states, "to be recorded or recorded." The examiner suggests replacing with -to be read or recorded-.

b.) On page 1 of the amended claims, line 29, the "frequency signal" is unclear. The examiner suggests replacing with -rotation speed frequency signal- or the like. Appropriate correction is required.

5. Claim 3 is objected to because of the following informality: On page 2 of the claims, line 21, the "frequency signal" is unclear. The examiner suggests replacing with -rotation speed frequency signal- or the like. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 3 recite the limitation "leading value output means for generating a determined rotation speed value" in Claim 1, lines 8-9 and Claim 3, lines 9-10 of the amended claims. There is insufficient support for this limitation in the disclosure. The leading value output means is only referenced as providing the determined rotation speed value in the admitted prior art. In the disclosed invention, the determined rotation speed value is provided to the speed servo means by the speed processing means (page 4 of the specifications, lines 31 and 32) and no reference is made to a leading value output means of the admitted art. Thus, the disclosure does not enable the claimed combination.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubo et al. (hereafter Kubo) (US 6,236,630).

In regards to claims 1 and 3, Kubo discloses a disc speed control device for use in a disk player or recorder using a pick-up (Fig. 1, element 6) and the optical disc player or recorder comprising the disc speed control device. Kubo discloses that the disc speed control device is comprised of a frequency generating means for generating a frequency signal representative of a rotation speed of the disc (Fig. 1, element 73), a disc actuating means for rotating the disc (Fig. 1, element 5), a leading value output means for generating a determined rotation speed value (Fig. 3, element 87), a speed servo means which receives the rotational speed frequency signal and the determined rotation speed value and which regulates the disc actuating means in response to the determined rotation speed value (Figs. 3, elements 86, 88-89, and 93-95), a signal processing means which processes an output of the pick-up when the data is being read and delivers a data frequency signal (Fig. 1, elements 9-11 and Fig. 3, elements 68 and 82), and a speed processing means which receives and uses the data frequency signal to compute the determined rotation speed value (Fig. 3, elements 83-84).

In regards to claims 2 and 4, Kubo discloses a signal processing means that comprises a data phase locked loop means which outputs a voltage corresponding to a phase locked loop frequency of the rate at which data is read by the pick-up (Fig. 1, elements 9-11 and Fig. 3, element 68) and a reference voltage source which delivers a reference voltage at an input of the speed processing means (Fig. 3, element 82).

Conclusion

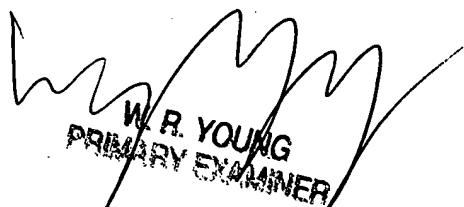
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael V. Battaglia whose telephone number is (703) 305-4534. The examiner can normally be reached on 5-4/9 Plan with 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 746-9911 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



Michael V. Battaglia
July 25, 2003


W.R. YOUNG
PRIMARY EXAMINER